

Plaintiff and Ms. Miller timely filed their Notice of Appeal of this order. Pursuant to Rule 72 of the Federal Rules of Civil Procedure, a District Court reviewing an order on a nondispositive motion must modify or set aside any part of the order that is clearly erroneous or is contrary to law. In the Notice of Appeal of this order, Plaintiff and Ms. Miller claim that

“[t]here is no time limit on discrimination in North Carolina.” However, the magistrate judge correctly found that any claims brought by the Estate of R.J. Combs would be futile because they are brought well after the expiration of the statute of limitations. Thus, the decision of the magistrate judge is not clearly erroneous or contrary to law.

Further, Plaintiff does not allege any reason why a stay would be warranted in this matter nor does Plaintiff actually request a stay in the body of the Notice of Appeal.

IT IS THEREFORE ORDERED that the magistrate judge’s order is **AFFIRMED** and that Plaintiff’s Motion for Stay is **DENIED**.

Signed: November 20, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

